

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE
COMPANY, GEICO INDEMNITY
COMPANY, GEICO GENERAL
INSURANCE COMPANY, and GEICO
CASUALTY COMPANY,

**MEMORANDUM AND
ORDER**

21-CV-6575 (JS)(SIL)

Plaintiffs,
-against-

PROGRESSIVE MEDICAL CARE, P.C.,
ALLAN HAUSKNECHT, M.D., and JOHN
DOE DEFENDANTS “1” – “10,”

Defendants.

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STEVEN I. LOCKE, United States Magistrate Judge:

Presently before the Court is Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company and GEICO Casualty Company’s (“Plaintiffs”) unopposed motion to compel depositions of non-party witnesses Utopia Professional Services, LLC (“Utopia”) in the care of its purported member Mohammad Asif (“Asif”) and Mohammad Choudhry (“Choudhry”). DE [32].

On August 26, 2022, Plaintiffs filed a letter motion seeking to enforce a deposition subpoena served upon non-party Utopia c/o Asif. DE [22]. A copy of the subpoena, affidavit of service and Utopia’s formation records were attached. *See* DEs [21-1], [21-2]. The subpoena directed Utopia c/o Asif to appear for a deposition on August 19, 2022. Neither Asif, nor any other person purporting to represent Utopia, appeared for the deposition or requested an extension of time to comply with the

subpoena. Also on August 26, 2022, Plaintiffs filed proof of service of the motion to compel upon Utopia and Asif who, again, failed to respond. *See* DE [23]. As a result, the Court granted Plaintiffs' motion to compel and ordered Utopia c/o Asif to appear for deposition on September 21, 2022 at 10:00 a.m. at Rivkin Radler LLP, 926 RXR Plaza, Uniondale, New York 11556. DE [24]. Utopia c/o Asif failed to appear, however.

On September 9, 2022, Plaintiffs filed a letter motion seeking to enforce a deposition subpoena served upon non-party witness Mohammad Choudhry ("Choudhry") as well as proof of service of the motion. DEs [25], [26]. A copy of the subpoena and affidavit of service was attached as Exhibit 1. *See* DE [25-1]. The subpoena directed Choudhry to appear for a deposition on August 26, 2022, but he failed to appear and did not request an extension of time to comply with the subpoena. Because Choudhry failed to respond, the Court granted Plaintiffs' motion and ordered Choudhry to appear for deposition on October 7, 2022 at 10:00 a.m. at Rivkin Radler LLP, 926 RXR Plaza, Uniondale, New York 11556. Choudhry again failed to appear.

On November 14, 2022, Plaintiffs filed the instant motion pursuant to Federal Rule of Civil Procedure 45(g) seeking an order of contempt, sanctions and ordering Utopia c/o Asif and Choudhry appear for depositions in light of their failure to comply with the Court's September 7 and September 19, 2022 Orders. DE [32]. Plaintiffs filed affidavits of service of the motion upon Utopia c/o Asif and Choudhry on November 21, 2022 who, to date, have continued to fail to respond. *See* DEs [34], [35], [36]. Accordingly, the Court grants Plaintiffs' motion and orders Utopia c/o Asif to

appear for deposition on January 10, 2023 at 9:45 a.m. at 100 Federal Plaza, Central Islip, New York 11722. Choudhry is ordered to appear for deposition on January 11, 2023 at 9:45 a.m. at 100 Federal Plaza, Central Islip, New York 11722. Defense counsel is directed to arrange for a court reporter and to contact the Clerk of the Court to reserve a room in the Central Islip Courthouse to take the depositions, and this information can be found at <https://www.nyed.uscourts.gov/request-reserve-room-deposition>.

The Court directs defense counsel to serve Utopia c/o Asif and Choudhry with amended subpoenas stating the date, time and place for their depositions, including the room number in the Courthouse where each deposition is to be taken, on or before December 15, 2022. All subpoenas being served should have a copy of this Order attached and proof of service should be filed via ECF. **The witnesses are warned that if they fail to appear for their depositions, they may be subject to sanctions including but not limited to monetary penalties.**

Dated: Central Islip, New York **SO ORDERED.**
 December 1, 2022

/s/ Steven I. Locke
STEVEN I. LOCKE
United States Magistrate Judge